

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

ORDER NO. 77-150

NPDES PERMIT NO. CA0038512

WASTE DISCHARGE REQUIREMENTS FOR:

CITY OF OAKLAND

ALAMEDA COUNTY

BYPASS OR OVERFLOW OF UNTREATED SANITARY SEWAGE

The California Regional Water Quality Control Board, San Francisco Bay Region, (hereinafter Board) finds that:

1. The City of Oakland (~~hereinafter~~ discharger), by application dated 11 February 1977, has applied for waste discharge requirements and a permit to discharge wastes under the National Pollutant Discharge Elimination System.
2. The discharger presently discharges untreated domestic and industrial wastewater as a result of bypasses or overflows from its sanitary sewerage system. These overflows or bypasses occur when sewer capacity is exceeded as a result of inflow or infiltration of stormwater runoff. The discharges contain pollutants, and occur at several points within the sanitary sewer system. The discharges eventually reach San Francisco Bay, Lake Temescal or Lake Merritt, all waters of the United States, via the City's storm drainage system.
3. The combined wastewater also contributes to the documented overflows from the East Bay Municipal Utility District, Special District No. 1, interceptor system and bypassing at its treatment facility. These bypasses and overflows all contain pollutants and discharge into San Leandro Creek and Elmhurst Creek which are tributary to San Leandro Bay; and Temescal Creek and Cerritos Creek, which are tributary to San Francisco Bay. All the above are waters of the United States.
4. The Board on April 8, 1975, adopted a Water Quality Control Plan for the San Francisco Bay Basin. That plan contains water quality objectives for San Francisco Bay and a recommended approach for regulating the discharge from wet weather diversion structures.
5. The beneficial uses of San Francisco Bay, Lake Temescal, and Lake Merritt are:
  - a. Water contact recreation
  - b. Non-contact water recreation
  - c. Navigation
  - d. Marine habitat and open commercial and sport fishing
  - e. Wildlife habitat
  - f. Fish migration and spawning
  - g. Industrial uses
  - h. Preservation of rare and endangered species
  - i. Shell fishing
  - j. Warm and cold water habitat

6. Under the State EIR Guidelines the project is categorically exempt from the provisions of CEQA and the preparation of environmental documents as a Class I categorical exemption because it consists of the operation, repair, maintenance or minor alteration of existing public or private structures, facilities, mechanical equipment or topographic features involving negligible or no expansion of use (i.e. household connections) beyond that previously existing.
7. The Board has notified the discharger and interested agencies and persons of its intent to prescribe waste discharge requirements for the discharge and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.
8. The Board, in a public meeting, heard and considered all comments pertaining to the discharge.
9. This Order shall serve as a National Pollutant Discharge Elimination System permit pursuant to Section 402 of the Federal Water Pollution Control Act, or amendments thereto, and shall take effect at the end of ten days from date of hearing provided the Regional Administrator, U. S. Environmental Protection Agency, has no objections.

IT IS HEREBY ORDERED, the City of Oakland, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder and the provisions of the Federal Water Pollution Control Act and regulations and guidelines adopted thereunder, shall comply with the following:

A. Prohibition

The discharge of untreated wastes to waters of the State is prohibited. This includes bypasses or overflows of untreated sanitary sewage into storm sewers. The Board will consider exceptions to this prohibition for bypasses or overflows occurring after complete implementation of the program described in B.1.

B. Provisions

1. The discharger shall comply with the following time schedule to assure compliance with this Order:

<u>Task</u>	<u>Report of Compliance Due</u>
Identify all points of untreated sewage bypass or overflow and submit a program for attaining and monitoring compliance with Prohibition A above which is acceptable to the Regional Board's Executive Officer and which includes disconnection of storm-water inflow to sanitary sewers.	June 1, 1978
Status Report	February 1, 1979 and annually thereafter
Complete implementation of compliance program	December 1, 1982

The discharger shall submit a report to the Board, on the dates noted above, detailing his compliance or noncompliance with the specific schedule date and task. If noncompliance is being reported, the reasons for such noncompliance shall be stated, plus an estimate of the date when the discharger will be in compliance. The discharger shall notify the Board by letter when he has returned to compliance with the time schedule.

2. The discharger shall permit the Regional Board:
  - (a) Entry upon premises in which an effluent source is located or in which any required records are kept;
  - (b) Access at reasonable times to copy any records required to be kept under terms and conditions of this Order;
  - (c) Inspection at reasonable times of monitoring equipment or records; and
  - (d) Sampling at reasonable times of any discharge.
3. All discharges authorized by this Order shall be consistent with the terms and conditions of this Order. The discharge of any pollutant more frequently than or at a level in excess of that identified and authorized by this Order shall constitute a violation of the terms and conditions of this Order.
4. The discharger shall maintain in good working order and operate as efficiently as possible any facility or control system installed by the discharger to achieve compliance with the waste discharge requirements.
5. After notice and opportunity for a hearing, this Order may be terminated or modified for cause, including, but not limited to:
  - (a) Violation of any term or condition contained in this Order;
  - (b) Obtaining this Order by misrepresentation or failure to disclose fully all relevant facts;
  - (c) A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.
6. This Order expires on December 15, 1982, and the discharger must file a Report of Waste Discharge in accordance with Title 23, California Administrative Code, not later than 180 days in advance of such date as application for issuance of new waste discharge requirements.

I, Fred H. Dierker, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on December 20, 1977.

FRED H. DIERKER  
Executive Officer